

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,

Case No. 3:21-cr-00038-MMD-CLB

Plaintiff,

ORDER

v.

JEFFREY PISHION,

Defendant.

This order addresses the return materials relating to two minor victims' educational records for the subpoena issued to Churchill County School District ("the District") (ECF No. 122 (sealed)¹). At the hearing held on September 7, 2022, the Court denied the minor victims' motion to quash (ECF No. 141) as to the subpoena issued to the District for educational records. (ECF No. 169.) The Court has reviewed the subpoena return materials and found that while some documents relate to mental health assessment, the District maintained those records for educational purposes—not for diagnosis or treatment purposes². Accordingly, the Court will provide all the District's records to the parties. The Court permits counsel for Defendant, the government, and the minor victims to arrange with the courtroom administrator to copy the subpoena return materials. The parties must keep the materials confidential and may not disclose them to any third party without the Court's permission. To the extent the parties will offer any of the return

¹The Court retroactively quashed the subpoena issued to the District (ECF No. 87), after the District responded to the subpoena. (ECF No. 87.) This resulted in the issuance of the subpoena addressed herein.

²The Court has not determined whether the psychotherapy-patient privilege under NRS § 49.209 applies in this case. Regardless, that privilege does not apply to the mental assessment found in the District's records because the privilege covers "confidential communication between the patient and the patient's psychologist or any other person who is participating in the diagnosis or treatment under the direction of the psychologist." See NRS § 49.209.

documents at trial, the party seeking admission must redact all personal identifiable information.

DATED THIS 12th Day of September 2022.

A handwritten signature in blue ink, appearing to read 'Miranda M. Du', is written over a horizontal line.

MIRANDA M. DU
CHIEF UNITED STATES DISTRICT JUDGE